

II. General Remarks Concerning This Response

Claims 1-32 are currently pending. In this response, claims 1, 7-9, 15-17, 23-25, 31, and 32 have been amended; no claims have been added; and claims 2-6, 10-14, 18-22, and 26-30 have 5 been canceled. Reconsideration of the claims is requested.

III. 35 U.S.C. § 102(e)-Anticipation-Swales et al.

The Office action has rejected claims 1-32 under 35 U.S.C. § 102(e) as anticipated by Swales, "Apparatus for Controlling 10 Internetwork Communications", U.S. Patent Number 6,321,272, filed 09/10/1997, issued on 11/20/2001. This rejection is respectfully traversed.

Independent claims 1, 9, 17, and 25 have been amended to include at least one feature that is not disclosed in Swales. In 15 the present invention, a logical circuit of resources from a requester to a requested resource are reserved throughout a distributed data processing system in response to a lease request from the requester, and this feature is more fully reflected in the claims. For example, each independent claim now includes a 20 feature that states that the logical circuit is based on a data path that "is determined by a dynamic discovery process of devices within the network". In addition, a resource manager interacts with multiple other resource managers along the data path to obtain the necessary leases of the resources along the 25 logical circuit by "sending, by the resource manager, multiple lease requests for the requested lease period to respective multiple resource managers for multiple requested resources along the data path, wherein use of the requested resource requires use of the multiple requested resources".

In contrast, the rigidity and fixed purpose of the system that is disclosed in Swales is fairly represented by the abstract from Swales:

5 An interface allows for the transfer of real time control data with guaranteed delivery times between devices on a general purpose network and an industrial control system. A proxy server takes the role of a TCP/IP router and is configured to control the rate at which messages are forwarded from the non-real time to the real time portion of the network, keeping the loading of the real time portion stable regardless of the external non-real-time communication demand. Real time data is preconfigured and exchanged in a regular sequence, with the cyclic update period known. The length of any communication message necessary to transmit this information, plus any sequencing and acknowledgment overhead, is calculated in advance and aggregated. **Each device with authority to transmit on the shared medium is given a time budget, calculated so that the total transmission quantity in unit time is deliberately limited to some fraction of the maximum transmission capability of the network.** All communication from devices whose traffic loadings cannot be so controlled is arranged to pass through the proxy device in order to gain access to the deterministic network, and the proxy enforces the budget limits by introducing deliberate delays to the request messages if necessary.

The proxy/throttling router in Swales knows the devices with which it communicates; in the present invention, the resource 30 manager is able to work with a list of devices and resources within a network that have been dynamically determined. In addition, the proxy/throttling router in Swales monitors the communication traffic controls the data traffic through it; the proxy/throttling router does not coordinate its decisions with other proxies/throttling routers. In contrast, a resource 35 manager in the present invention interacts with multiple resource managers to obtain the necessary leases of resources and to monitor conditions while those leases are in effect.

Swales clearly does not disclose features as required by the language of the amended claims of the present application. As stated at MPEP § 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either 5 expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 10 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Hence, for this and other reasons, Swales cannot be used as an anticipatory reference, and the rejections of the claims have been overcome, whereby Applicant requests the withdrawal of the rejections.

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IV. Conclusion

It is respectfully urged that the present application is patentable, and Applicant kindly requests a Notice of Allowance.

For any other outstanding matters or issues, the examiner is urged to call or fax the below-listed telephone numbers to expedite the prosecution and examination of this application.

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Respectfully submitted,

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